



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,308	02/20/2001	Natsuki Yuasa	0033-0695P	1988

2292 7590 04/20/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/785,308

Applicant(s)

YUASA, NATSUKI

Examiner

Fritz Alphonse

Art Unit

2675

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1,2,4-12 and 14.Claim(s) withdrawn from consideration: 3, 13.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) PTO-1449 Paper No(s). _____.
10. ☐ Other: _____


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. Applicant's remarks filed 2/25/04 have been considered but they are not persuasive. Reponse to arguments follows.

Applicant's Arguments

- a) That Examiner has failed to provide proper motivation in combining the teachings of these references.
- b) Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. 103.
- c) That You fails to teach or suggest extracting advertisement information from the information received.
- d) That You et al. fail to teach a plurality of second information display units successively displaying a second information stored.
- e) There is no teaching or suggestion in You et al. that teaches displaying the caption information in two areas successively.

Examiner's Response

a) You (figs. 3, 8) show an information display device (i.e., a caption processing device) for receiving and displaying information; an information receiver (51); an information controller (58); a first information display unit (54) and a second information display unit (57); and a plurality of second information display units (col.2, lines 39-58).

You, fails to teach about an advertisement information. However, anyone having ordinary skill in the art would be motivated to combine You with Amo's information display device. By doing so, customized advertising information, as disclosed by Amo, could by substituted for captions.

b) Examiner disagees with that statement because: first, the motivation to combine You and Amo is clearly stated in the office action. second, by combining You with Amo's information display device customized advertising information could by substituted for captions. Finally, the combination of You and Amo details all the limitations of the claims. See the Detail Action.

c) You (col. 4, lines 30-40) teaches about extracted caption data unit 52 to the on screen display driving unit 63. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine You with Amo's information display device. By doing so, it would be possible to extract advertising information from the information received.

d))You et al. does not explicitly disclose a plurality of second information display units successively displaying information stored. However, Amo provides time sensitive information to display units and facilitate remote control and automated information updates simultaneously to a plurality of display units.

e) The combination of You and Amo would provide the caption of advertisement or caption information in two areas successively.

The Examiner respectively disagrees with Applicant's Remarks. Therefore, the finality, as stated in the last Office Action, is maintained.